

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LEONEL GUICHO-ACOSTA,

Defendant.

CASE NO. 2:22-cr-00009-LK-1

ORDER GRANTING UNOPPOSED  
MOTION TO CONTINUE TRIAL  
DATE

This matter comes before the Court on Defendant Jose Leonel Guicho-Acosta's fourth motion to continue the trial date and pretrial motions deadline. Dkt. No. 35. Mr. Guicho-Acosta seeks to continue the trial date from March 6, 2023 to July 17, 2023, and to continue the pretrial motions deadline to June 3, 2023. *Id.* at 1. The motion is unopposed by the Government. *Id.* at 4.


Mr. Guicho-Acosta was appointed a new attorney in November 2022 after his prior attorney withdrew. Dkt. Nos. 31, 32, 33. In Mr. Guicho-Acosta's motion, his new counsel states that he needs additional time to review and analyze discovery materials that are currently being translated; "conduct any appropriate follow up investigation; determine whether any defenses exist; conduct legal research and factual investigation as necessary to determine whether any

1 pretrial motions are warranted; complete plea negotiations with the government; engage in an  
2 informed discussion with Mr. Guicho-Acosta regarding all of the foregoing; and prepare for trial.”  
3 Dkt. No. 35 at 2–3.<sup>1</sup> Mr. Guicho-Acosta has waived his rights to a speedy trial under the Speedy  
4 Trial Act, 18 U.S.C. § 3161, through August 16, 2023. Dkt. No. 36.

5 Based on the facts set forth in the motion and the record in this case, the Court finds that  
6 the ends of justice served by granting a continuance outweigh the best interest of the public and  
7 Defendant in any speedier trial. *See* 18 U.S.C. § 3161(h)(7)(A). Specifically, the Court finds that  
8 failure to grant the requested continuance would likely result in a miscarriage of justice and would  
9 deny defense counsel the reasonable time necessary for effective preparation, taking into account  
10 the exercise of due diligence, due to counsel’s need for more time to investigate the matter, gather  
11 evidence material to the defense, consider possible defenses, complete plea negotiations, and  
12 prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv). The Court finds that the additional time  
13 requested is a reasonable period of delay and will be necessary to provide counsel and Defendant  
14 reasonable time to accomplish the above tasks. Dkt. No. 35 at 3.

15 For these reasons, the Court GRANTS the motion and ORDERS that trial shall be  
16 continued from March 6, 2023 to July 17, 2023. Pretrial motions are due no later than June 3, 2023.  
17 It is further ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay  
18 from the current trial date of March 6, 2023 until the new trial date is EXCLUDED when  
19 computing the time within which the trial must commence under the Speedy Trial Act.

20 Dated this 26th day of January, 2023.

21 

22 Lauren King  
23 United States District Judge

24 <sup>1</sup> Counsel notes that the government recently made a new plea offer that he needs to review with his client, presumably with the aid of a translator. *Id.* at 2.